

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
CRIMINAL REVISION APPLICATION No. 464 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE H.B.ANTANI

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - 4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?

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SAURASHTRA FUELS (P) LTD., - Applicant(s)
Versus
THE STATE OF GUJARAT - Respondent(s)

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Appearance :

MR AS VAKIL for Applicant(s) : 1,
 MS NANDINI JOSHI ADDL.PUBLIC PROSECUTOR for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE H.B.ANTANI

Date : 26/04/2006

ORAL JUDGMENT

1. Rule. Ms Nandini Joshi, learned Additional Public Prosecutor waives service of notice of rule on behalf the State.

2. In the facts and circumstances of the case, the matter is heard today. The revision application preferred

to by the petitioner under Section 297 of the Criminal Procedure Code is directed against the show cause notice issued by the Sub Divisional Magistrate, Porbandar in Nuisance Case No. 3 of 2004 produced at Exhibit - A. It is submitted by the learned advocate that the Sub Divisional Magistrate has directed the petitioner;

(i)Not to stack/store any Bauxite, Coal etc. at the Subhashnagar area of Porbandar.

(ii)To removal all the coal, Coking Coal etc. stacked therein on or before 8-9-2004 in a manner that would not cause public nuisance.

(iii)That as and from the date of impugned order any Coal, Coking Coal etc to be exported and/or imported should not be stacked at the Subhashnagar area but must be stacked elsewhere.

In view of the submission canvassed by the learned advocates on both the sides, the matter without entering into the merits of the case, is heard today. The learned Additional Public Prosecutor in response to the query raised by the court, has accepted that the learned Sub Divisional Magistrate, Porbandar shall not insist for the removal of the stock of Bauxite, Coal etc. lying on the plots referred to in the notice at Exhibit A and the petitioner shall not be prevented from carrying out his business activities on the plots in question till the

show cause notice is decided by the learned Sub Divisional Magistrate, Porbandar on merits.

3. In view of the submission made by the learned Additional Public Prosecutor at the bar, no further directions are required to be issued and as nothing survives in the present revision application. The revision application stands disposed of accordingly. Rule is made absolute to the extent indicated hereinabove. Direct Service is permitted.

(H.B.ANTANI, J.)

shekhar/-